

PERSONAL SERVICES QUESTIONS – 2007 SESSION

1. Has the agency implemented a broad band pay plan, agency-wide or for selected jobs? If so, when was it implemented and what were the estimated cost increases in the year of implementation? How were these costs funded (by holding vacant positions open, appropriations for other purposes that were unexpended, etc)?
 - a. The Judicial Branch has not implemented a broad band pay plan; the Branch established a traditional classification/pay plan in 2003, which is still in place. The Branch pay plan does not take market into account – it was structured to capture the salary ranges for those employees who transitioned from state to county employees in 2002. Thus, the entry level salaries are quite low and have no relationship to market.
2. At what percentage of market are new employees paid? How do employees progress to the market rate for their position? What is the agency's target percent of market? What is the agency average percent of market in FY 2006?
 - a. The Judicial Branch does not have a broad band pay system and thus, does not have a system – or funding - in place for moving employees to a market rate. At this point, market has not been a significant driver in any pay decisions for the Judicial Branch as the Branch is still struggling with internal pay equity issues created as result of the assumption of 275 county employees paid under vastly different pay plans.
3. Did the agency have vacant positions for a significant portion (6 months or more) of FY 2006? If yes, how many and why were these vacant? How did the vacancies impact agency operations?
 - a. Program 1 – Six FTE were open for longer than six months in order to compensate for pay plan funding problems. The majority of these positions were information technology positions that were not fully funded when there were added in 2005. The workload was adsorbed by other staff and several projects were delayed as a result of the vacancies.
 - b. Program 2 – No vacancies.
 - c. Program 3 – No vacancies
 - d. Program 4 - Five FTE were left open for longer than six months. Three of these were open awaiting a decision about resource allocation in the youth courts. The other two were open due to recruitment problems. Very few vacant positions can remain open in the District Courts because the staffing ratio in individual courts and youth courts is very low in most locations and the additional work cannot be absorbed by other staff.
 - e. Program 5 – Four FTE were open longer than six months. These were new positions designed to increase the pace of cases in the water court. The positions were filled over a period time to allow for adequate training time for new staff. The positions are currently filled.
 - f. Program 6 – No vacancies.
4. Did the agency have authorized pay exceptions for pay plan 60 positions? If yes, why?
 - a. The Judicial Branch has a separate pay plan as required by 3-1-130, MCA. Under the Judicial Branch Pay Plan policies, individual pay exceptions can be authorized by the court administrator

for reasons related to recruitment, equity or retention if funding is available. The Court Administrator authorized several pay exceptions primarily as a result of recruitment and equity.

- i. Program 1 – Supreme Court Law Clerks entry-level salaries were adjusted to address inequities with District Court positions. The adjustment still leaves these clerks about \$9,000 below the market (established by the Department of Administration) for entry-level attorneys. Second and subsequent year clerks were also adjusted to maintain the difference between the two job classifications. Several other adjustments were made within the Office of the Court Administrator to address internal equity problems where employees at higher job classifications were earning more money despite having fewer years of service than other employees.
- ii. Program 4 - Several pay exceptions were granted in the District Court Program to address internal equity problems. When the state assumed the county employees in 2002, it created a situation where employees doing identical jobs were receiving vastly different salaries because the counties had different pay systems. In a modest effort to address the most problematic issues, some employees in the following classes were adjusted to get closer to their higher paid peers:
 1. Judicial Assistants
 2. Chief Probation Officers
 3. Juvenile Probation Officers
 4. Law Clerks
 5. Misc. positions including Family Evaluators.

The pay adjustments did not address all of the equity issues, which remain outstanding and were the subject of lawsuit recently dismissed for procedural reasons.

5. Did the agency have authorized position upgrades or downgrades for pay plan 60 positions? If yes, why?
 - a. The Judicial Branch has a separate pay plan – not pay plan 60. The Judicial Branch has standard career ladders for several job classifications which lead to upgrades after a certain time period.
 - i. Program 1 – Supreme Court law clerks move to a Senior Law Clerk status if they stay for a second year. This results in an upgrade and increase in pay.
 - ii. Program 4 – District Court law clerks move to a Senior Law Clerk status if they stay for a third year. This results in an upgrade and increase in pay.
 - iii. Program 5 – Law Clerks with the Water Court are eligible to move to a Water Master position after finishing the approved training. This results in an upgrade and increase in pay.
6. What challenges does the agency face in recruiting and retaining staff? What actions has the agency taken to address recruitment and retention issues? Is the agency competing with other state agencies or the public sector for staff?
 - a. The Judicial Branch has faced staggering problems in recruitment in a number of positions including administrative and judicial support positions, youth probation, court reporters and law clerks. Most judicial assistant/administrative assistant positions, youth probation and court reporter positions are advertised multiple times before a suitable candidate is identified. The Branch has an 18% turnover rate thus exacerbating the problem with recruiting.
 - b. The Judicial Branch has extended our recruitment searches to include other states and surrounding areas. In the case of court reporters, the Branch has purchased electronic recording equipment and hired transcriptionist when we have been unable to recruit court reporters.
 - c. For the most part the Branch is competing with private sector employers as most of the Branch employees are located outside of Helena. However, we probably also compete with local governments, the Department of Corrections and the Department of Public Health and Human Services. In general, the Judicial Branch offers lower entry-level salaries for the types of positions listed above.

7. Are agency staff members represented by collective bargaining units? How many of the agency staff are impacted by collective bargaining unit agreements? What provisions are included in bargaining unit agreements? How often are these agreements negotiated?

a. The Judicial Branch is not a party to any collective bargaining agreements.